

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BRIAN TOTIN,

Plaintiff,

-v-

PETERKIN RESIDENTIAL INC.,

Defendant.

19-CV-4673 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

This action was commenced on May 21, 2019, by *pro se* Plaintiff Brian Totin. (*See* Dkt. No. 1.) Defendant Peterkin Residential Inc. was served with a copy of the summons and complaint on June 25, 2019. (*See* Dkt. No. 5.) Peterkin Residential failed to appear, and on July 17, 2019, the Clerk of Court entered a certificate of default. (*See* Dkt. No. 8.) On July 18, 2019, Totin moved for default judgment. (*See* Dkt. No. 9.)

For the reasons explained in Totin's memorandum of law in support of his motion for default judgment (*see* Dkt. No. 11), the Court concludes that default judgment is warranted. The letter at Docket Number 13 from Brandon Evans is no impediment to this conclusion. Evans claims to be the real estate agent referenced in the complaint's factual allegations. (*See* Dkt. No. 13.) He is not, however, named as a defendant in this case. Nor does he purport to represent, speak on behalf of, own, or act as an officer of Peterkin Residential, the named defendant. Moreover, Peterkin Residential, a corporation, may only appear before the Court through an attorney. *See Eagle Assocs. v. Bank of Montreal*, 926 F.2d 1305, 1308 (2d Cir. 1991). Evans's letter is therefore irrelevant to the conclusion that Defendant Peterkin Residential Inc. has defaulted and that a default judgment in favor of Plaintiff is warranted.

In light of the foregoing, Plaintiff's motion for default judgment is GRANTED. The Clerk of Court is directed to enter judgment in favor of Plaintiff and against Defendant, in the amount of \$37,597. The judgment shall include: (1) statutory damages in the amount of \$36,720; and (2) costs in the amount of \$877.

The Clerk of Court is directed to close the motion at Docket Number 9.

Plaintiff is directed to mail a copy of this Order to the defaulting Defendant.

SO ORDERED.

Dated: February 6, 2020  
New York, New York



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J. PAUL OETKEN  
United States District Judge

*COPY MAILED TO PRO SE PARTY BY CHAMBERS*